

REMARKS

Reconsideration of the application is requested.

Claims 1, 3-7, 9 and 10 remain in the application. Claims 1, 3-7, 9 and 10 are subject to examination.

In item 2 on page 2 of the above-identified Office Action, claims 1, 4, 7, and 10 have been rejected as being obviated by U.S. Patent No. 5,461,921 to Papadakis et al. (hereinafter Papadakis) in view of U.S. Patent No. 5,938,611 to Muzilla et al. (hereinafter Muzilla) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

First, it is respectfully stated that Papadakis does not teach a method for transmitting data between a head part and a base part of a hands-free telephone. Rather Papadakis teaches an ultrasonic flaw detection device capable of interrogating a test object to determine all flaws within the test object. The ultrasonic flaw detection device according to Papadakis transmits and receives signals to determine flaws within a material under test, i.e. within the concrete

structure of a bridge. In contrast, the first paragraph of claims 1 and 7 of the instant application specifically recites a "hands-free telephone" and not a flaw detection device.

Further, Papadakis does not disclose an air interface. Quite the contrary, Papadakis teaches that the ultrasonic energy is transmitted to the test object by a transducer and the reflected and reverberated ultrasonic signals are received by another transducer. To determine flaws within an object it is necessary to fix the transmitting and the receiving transducer directly on the surface of the test object. Otherwise, the transmitted signals would be reflected by the surface of the object and no internal flaws could be detected. If the transmitting and the receiving transducer are not mounted directly at the surface of the test object there is no chance to get a good measuring result to determine the existence of flaws (e.g. holes) in the material of the test object. Papadakis discloses that the transducer contains an electromechanical device or a piezoelectric material. The ultrasonic energy is transmitted by a mechanical bond or through a coupling liquid into the test object, see column 1, lines 32-41 of Papadakis. An air interface between the test object and the transducer would be absolutely disadvantageous and the test device would have

limited usefulness. It is respectfully stated that column 9, lines 31-35 of Papadakis does not teach transmitting the ultrasonic energy over an air interface. The ultrasonic energy is transmitted into the test object as noted in column 1, lines 32-41 of Papadais by direct mounting on the object. In contrast, the last paragraph of claims 1 and 7 of the instant application recite transmitting the signal over an air interface.

The aim of the ultrasonic flaw detection device is to measure the difference of the transmitting signal and the received signal. Therefore, the transmitted signal has to be changed to get a measuring result.

In contrast to the ultrasonic flaw detection device according to Papadakis, the object of the instant application is to receive an unchanged signal. The object of the invention of the instant application is to provide a method for wireless transmission of data that can be implemented inexpensively and provides a transmission rate necessary for transmitting digitized voice data. Therefore, the transmitted digitized signal is to be compressed and converted, but at the end the ultrasound signal has to contain the same data and information like the transmitted signal.

In contrast to the view of the Examiner there are two absolutely different experts necessary for both inventions. The average man skilled in the art for the Papadakis invention is a materials tester with a degree of knowledge in the area of physics. The average man skilled in the art for the invention of the instant application is a telecommunications engineer. The telecommunications engineer would never take the Papadakis invention into consideration to get a solution for his problem, because he wants to solve the problem of transmitting a digitized signal of a telephone via ultrasound and an air interface. He would consider prior art in the field of telecommunications, but never prior art in the field of materials testing. The inventor of the instant application, the telecommunications engineer, would never take the Papadakis document into account, because he knows that his problem of transmitting data between a head part and a base part of a hands-free telephone, could not be solved by an ultrasonic flaw detection device used in materials testing.

The same is to be said about Muzilla. The inventor of the instant application, namely the telecommunications engineer, would not take the Muzilla patent into account, because Muzilla teaches a method and apparatus for color flow imaging. But even taking the teachings of Muzilla it would

not be obvious to one of ordinary skill in the art to come to the invention of the application. More specifically Muzilla does not teach a hands-free telephone nor is Muzilla believed to teach use of an air interface.

In item 4 on pages 5 and 6 of the above-identified Office Action, claims 3 and 9 have been rejected as being obviated by Papadakis et al. in view of Muzilla et al. and further in view of U.S. Patent No. 5,155,741 to Waters et al. under 35 U.S.C. § 103. Claims 3 and 9 are dependent on claims 1 and 7. Claims 1 and 7 are believed to be allowable and therefore claims 3 and 9 are also believed to be allowable.

In item 5 on page 6 of the above-identified Office Action, claim 6 has been rejected as being obviated by Papadakis et al. in view of Muzilla et al. and further in view of U.S. Patent No. 6,522,642 to Scott under 35 U.S.C. § 103. Claim 6 is dependent on claim 1. Claim 1 is believed to be allowable and therefore claim 6 is also believed to be allowable.

In item 6 on pages 6 and 7 of the above-identified Office Action, claim 5 has been rejected as being obviated by Papadakis et al. in view of Muzilla et al. and further in view of U.S. Patent No. 4,591,811 to Nakamura under 35 U.S.C. § 103. Claim 5 is dependent on claim 1. Claim 1 is believed

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to be allowable and therefore claim 5 is also believed to be allowable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1, 3-7, 9 and 10 are solicited.

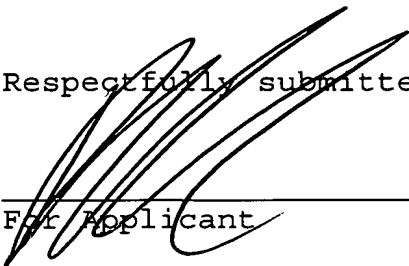
If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner

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Respectfully submitted,



For Applicant

REL:cgm

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